



01 heart problems and bread problems and nerve pain. I have some voice reflection in my hear  
02 [e]specially when I am writing and reading and working. I hear some ultra sonic waves in  
03 every night. I can not sleep. I had bread problems and hear problems too.” *Id.* Tax return  
04 and W-2 paperwork is attached to plaintiff’s proposed complaint, but no legal or equitable  
05 remedy has been requested.

06 Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed  
07 IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief  
08 can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O’Loughlin v. Doe*, 920 F.2d 614, 616  
09 (9th Cir. 1990). An action is frivolous if “it lacks an arguable basis either in law or in fact.”  
10 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

11 Here, plaintiff fails to allege sufficient facts to place the defendant on notice of the  
12 nature of his claims or otherwise provide any basis for jurisdiction in this Court. *See* Fed. R.  
13 Civ. P. 8(a). Furthermore, any attempts to cure the extreme deficiencies in this case would be  
14 futile. Because this action appears frivolous and fails to state a claim upon which relief can be  
15 granted, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil  
16 Procedure 12(b)(6). The fact that plaintiff is not a prisoner does not change this conclusion.  
17 *See Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (“[S]ection 1915(e) applies to all in  
18 forma pauperis complaints, not just those filed by prisoners.”).

19 The Court advises plaintiff of his responsibility to research the facts and law before  
20 filing a complaint in order to determine whether his claim for relief is frivolous. If plaintiff files  
21 a frivolous action, he may be sanctioned. *See* Fed. R. Civ. P. 11. The Court would likely  
22 impose a sanction of dismissal on any frivolous complaint. If plaintiff files numerous frivolous  
23 or malicious complaints, the Court may bar him from proceeding in this court. *See DeLong v.*  
24 *Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order requirements).

25 Because of the extreme deficiencies in plaintiff’s proposed complaint, his request to  
26 proceed IFP should be DENIED and this case DISMISSED without prejudice. 28 U.S.C.

01 § 1915(e)(2)(B). As a result, plaintiff's proposed motion for court-appointed counsel (Dkt.  
02 No. 1-2) is DENIED as moot. A proposed Order of Dismissal accompanies this Report and  
03 Recommendation. If plaintiff believes that the deficiencies outlined herein can be cured by an  
04 amendment to his complaint, he should lodge an amended complaint as a part of his objections,  
05 if any, to this Report and Recommendation.

06 DATED this 11th day of December, 2007.

07   
08 JAMES P. DONOHUE  
09 United States Magistrate Judge  
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